

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DEANNA LETRAY,

Plaintiff,

v.

5:20-CV-1194
(GLS/TWD)

CITY OF WATERTOWN, COLLEEN O'NEILL,
KRISTOPHER M. SPENCER, JOEL DETTMER, CHARLES
DONOGHUE, GEORGE CUMMINGS, SAMUEL WHITE
VIRGINIA KELLY, JOHN DOES 1-4, JEFFERSON COUNTY,

Defendants.

APPEARANCES:

OF COUNSEL

LEGAL SERVICES OF CENTRAL
NEW YORK – SYRACUSE

Counsel for Plaintiff
221 South Warren Street
Suite 300
Syracuse, New York 13202

JOSHUA T. COTTER, ESQ.
SAMUEL C. YOUNG, ESQ.
SETH BUCHMAN, ESQ.

NEW YORK CIVIL LIBERTIES UNION

Counsel for Plaintiff
125 Broad Street, 19th Floor
New York, New York 10004

MOLLY BIKLEN, ESQ.
ROBERT A. HODGSON, ESQ.
JESSICA PERRY, ESQ.

THÉRÈSE WILEY DANCKS, United States Magistrate Judge

ORDER

DeAnna LeTray (“Plaintiff”) originally filed an action *pro se* against the City of Watertown and Jefferson County alleging violations of her constitutional rights. (Dkt. No. 1.) Plaintiff also filed an application to proceed *in forma pauperis* (“IFP Application”). (Dkt. No. 3.) In an Order and Report Recommendation dated November 25, 2020, this Court granted Plaintiff’s IFP Application, but recommended her complaint be dismissed without prejudice

pursuant to 28 U.S.C. § 1915(e). (Dkt. No. 5.) Senior District Judge Gary L. Sharpe adopted the Report Recommendation and dismissed this action without prejudice and with leave to replead. (Dkt. No. 7.)

Plaintiff has now filed an amended complaint with the assistance of counsel. (Dkt. No. 12.) The Court has reviewed the amended complaint and finds that it appropriately addresses the issues identified in the original complaint and satisfies the requirements of 28 U.S.C. § 1915(e).¹

ACCORDINGLY, it is

ORDERED that the Clerk shall issue the proposed summonses (Dkt. Nos. 12-2-10) so Plaintiff may complete service of the summonses and the amended complaint (Dkt. No. 12), along with a copy of General Order 25, which sets for the Civil Case Management Plan used by the Northern District of New York;² and it is further

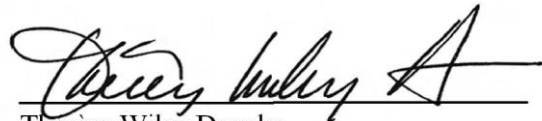
ORDERED that Plaintiff take reasonable steps to ascertain the identity of the Doe Defendants and when identified, seek to amend the amended complaint to add the individuals as a defendant in this action pursuant to Federal Rule of Civil Procedure 15(a); and it is further

ORDERED that a response to the complaint be filed by the Defendants, or their counsel, as provided for in the Federal Rules of Civil Procedure.

¹ This Court previously suggested that Plaintiff caption the action using her legal name and the designation A.K.A. to denote that she is also known as and prefers to be called DeAnna LeTray. (Dkt. No. 5 at 3 n.3.) The Court appreciates Plaintiff's position regarding her former name and that it is not consistent with her gender identity. (Dkt. No. 12 at 4 n.1.) At this time, the Court will allow the amended complaint to be captioned as is, but will discuss the potential implications of using only the name DeAnna LeTray without any A.K.A. designation in this action at the Rule 16 conference.

² A summons will not issue for any of the Doe Defendants because the U.S. Marshal cannot effect service on an individual who has not been adequately identified by name.

Dated: February 19, 2021
Syracuse, New York



Therese Wiley Dancks
United States Magistrate Judge